

Attorney Docket No: RADNT-008G3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Ginsburg, et al.	)	Art Unit: 3736
	)	
Serial No.: 10/626,007	)	
	)	Examiner: Nasser, R.
Filed: July 24, 2003	)	
	)	
For: Methods and Apparatus for Regional and	)	
Whole Body Temperature Modification	)	

**TERMINAL DISCLAIMER ACCOMPANYING DECLARATION**  
**UNDER 37 C.F.R. § 1.130**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Radiant Medical, Inc., the 100% owner of the above-captioned United States Patent Application Serial No. 10/626,007 hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U. S. C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of prior United States Patent Nos. 6,497,421 and 6,620,188 (Ginsburg).

Radiant Medical, Inc. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 15410 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,

Stout, Uxa, Buyan & Mullins, LLP

Date: November 17, 2004

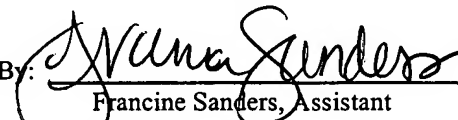
  
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#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 17, 2004.

Dated: November 17, 2004

By:   
Francine Sanders, Assistant